

Notice of Allowability

Application No.

10/075,530

Examiner

Robert P. Swiatek

Applicant(s)

HELWIG, MICHELE M.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3 March 2005; telephone interview of 31 May 2005.
2. ☒ The allowed claim(s) is/are 1-4,6,8-11,14-17 and 31-36.
3. ☒ The drawings filed on 13 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5-31-05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT ~~388~~ 3643

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Darin Gibby on 27 May 2005.

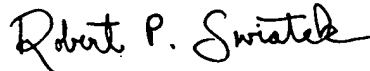
The application has been amended as follows: In claim 1, line 2, the phrase –, said bedding structure having one of a heart-shaped, round, or rectangular exterior configuration– has been inserted between “upon” and the comma and the word –foam– has been inserted before “filler,” in line 3, the words “an cavity” have been changed to –a cavity that is permanently formed–, in line 4, the term –artificial– has been inserted after “receive,” in line 5, “for” has been deleted; claim 30 has been canceled; in claim 31, line 2, the phrase –, said bedding structure having one of a heart-shaped, round, or rectangular exterior configuration– has been inserted between “upon” and the comma and the word –foam– has been inserted before “filler,” in line 3, the phrase –having an open cavity permanently formed therein– has been inserted after the first occurrence of “material,” in lines 3, 4, the phrase “the cover forming a cavity exteriorly to the filler material and projected into the filler material,” has been deleted, in line 5, –artificial– has been inserted before “soothing,” in line 6, “for” has been deleted.

Art Unit: 3643

The reference to Elwell (US 3,298,132) has been cited to provide an additional example of a heartbeat simulating device.

This case is being passed to issue with allowed claims 1-4, 6, 8-11, 14-17, 31-36, renumbered as claims 1-19.

RPS: 0571/272-6894
31 May 2005


ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT ~~333~~ 3643